



## Acton Board of Health

472 Main St.  
Acton, MA 01720  
Phone: (978) 929-6632  
Fax: (978) 264-9630  
Email: [health@acton-ma.gov](mailto:health@acton-ma.gov)  
[iroberts@acton-ma.gov](mailto:iroberts@acton-ma.gov)

Doug Halley, Health Director



**Public Health**  
Prevent. Promote. Protect.

D.H.  
1/20/2012

November 30, 2010

KMart  
252 Main Street.  
Acton, MA 01720

Dear Hazardous Materials Permit Holder:

The Acton Board of Health completed its Annual Hazardous Material's inspection at the above address on 11.23.2010.

Upon inspection the following minor violations were found:

1. Emergency Procedures should be posted at all satellite hazardous materials locations.
2. No 110% containment provided for hazardous materials waste drop off area, located in parking lot.
3. Oil waste containers should be clearly labeled.

All minor violations must be corrected/addressed within 30 days from the date of receipt of this notice. Failure to comply may result in fines and/or revocation of permit.

*You have the right to request an appeal before the Acton Board of Health. Any appeal request must be received by the Acton Board of Health, in writing, within 7 days from the date of receipt of this notice.*

Should you have any questions please call the Health Department at 978-929-6632.

Sincerely,

Isabel Roberts  
Health Agent



# Acton Board of Health

## Hazardous Materials Management Program

Site Name: Kmart

Date: 11-23-10

Number: 252

Street: Main St

### 1. Storage Requirements

Violation	Regulation	Bylaw
<input checked="" type="checkbox"/>	No 110% secondary containment	3.5.1.e
<input type="checkbox"/>	2nd Containment not free of liquid	3.5.1.e
<input type="checkbox"/>	Containment not in good condition	3.6
<input type="checkbox"/>	Containers not Labeled	3.5.1.b
<input type="checkbox"/>	Accumulation date not indicated	3.5.1.b
<input type="checkbox"/>	No Description of HM/HW contents	3.5.1.b
<input type="checkbox"/>	Materials and Wastes not separate	3.5.1.b
<input type="checkbox"/>	Containers not covered/sealed	3.5.1.e
<input type="checkbox"/>	AST base not stable, level, impervious	3.5.1.e

### 2. Safety

Violation	Regulation	Bylaw
<input type="checkbox"/>	MSDS not available	3.2.2
<input type="checkbox"/>	First Aid kit not stocked	
<input type="checkbox"/>	PPE not stocked	
<input checked="" type="checkbox"/>	Emergency Procedures Not Posted	
<input type="checkbox"/>	Spill kits not stocked	

### 3. Spill/Discharge/Abnormal Loss

Violation	Regulation	Bylaw
<input type="checkbox"/>	Discharge, Unpermitted	2.1.1
<input type="checkbox"/>	Discharge within AQ Zone 1,2,3	2.1.2
<input type="checkbox"/>	Failure to report discharge	2.1.5
<input type="checkbox"/>	Spills not contained	2.3
<input type="checkbox"/>	Improper disposal of waste	2.4.1
<input type="checkbox"/>	Licensed Waste hauler not used	2.4.3

### 4. Training

Violation	Regulation	Bylaw
<input type="checkbox"/>	No HM/HW spill response training	
<input type="checkbox"/>	No training in HM/HW handling	

### 5. Record Keeping

Violation	Regulation	Bylaw
<input type="checkbox"/>	Uniform Waste Manifests not available	3.7
<input type="checkbox"/>	Throughput records not available	3.2.2
<input type="checkbox"/>	Abnormal loss of HM/HW found in records	

*Buttresses (or) no 110% Containment - will check.  
Contact H&S to be posted in back room waste storage area.  
label waste oil Containers. 110% Containment needed  
outside waste area (parking lot).*

Critical Violations:           

All critical violations must be corrected within 14 days from the date of receipt of this notice. In accordance with Town of Acton Hazardous Material Control Bylaw 6.7, the owner of record is hereby assessed a penalty of           

Minor Violations: 3

All minor violations must be corrected/addressed within 30 days from the date of receipt of this notice. Failure to comply may result in fines and/or revocation of permit.

You have the right to request an appeal hearing before the Acton Board of Health. Any appeal request must be received by the Acton Board of Health, in writing, within 7 days from the date of receipt of this notice.

Board of Health Agent

Site Representative

**PAID**

## TOWN OF ACTON HAZARDOUS MATERIALS CONTROL BYLAW

**April 1, 2010**

**Due \$185**

Kmart  
252 Main Street  
Acton, MA 01720

**Category 11, 13**

**Site Address**

252 Main Street

### HAZARDOUS MATERIALS CONTROL PERMIT RENEWAL APPLICATION

#### Categories

- |  |  |
|--|--|
| 1. Hazardous Waste Generator (\$65)        | 2. Sm. Hazardous Waste Generator (\$45)    |
| 3. Hazardous Materials Generator (\$65)    | 4. Hazardous Materials User (\$45)         |
| 5. Discharge Permit (\$140)                | 6. Remediation Permit (\$140)              |
| 7. Hazardous Waste User (\$65)             | 8. Haz. Mat. Storer Large Industry (\$235) |
| 9. Haz. Mat. Storer Small Industry (\$160) | 10. Haz. Mat. Storer Large Retail (\$170)  |
| 11. Haz. Mat. Storer Small Retail (\$140)  | 12. Haz. Waste Storer Sm. Industry (\$45)  |
| 13. Haz. Waste Storer Retail (\$45)        | 14. Haz. Waste Storer Lge. Industry (\$65) |

Provide the following information under the authority of the General Laws of the Commonwealth of Massachusetts, Chapter 94, Section 305A, and Chapter 3, Section 5.

ESTABLISHMENT NAME:

KMART #7104

ESTABLISHMENT ADDRESS:

252 MAIN STREET Acton, MA 01720

ESTABLISHMENT TELEPHONE:

(978) 263-7756

OWNERS/CORPORATE OFFICERS:

ADDRESS:

TELEPHONE:

ON-SITE MANAGER:

OPERATING SCHEDULE:

BARRY O'NEIL  
M-F 8<sup>00</sup>am - 8<sup>00</sup>pm

**Maximum Potential Quantity of Materials: Gals/Lbs Stored \_\_\_\_\_ Used \_\_\_\_\_**

**Maximum Potential Quantity of Wastes: Gals/Lbs Stored \_\_\_\_\_ Used \_\_\_\_\_**

Pursuant to the General Laws of Massachusetts, Chapter 62C, Section 49A, I certify under the pains and penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

  
Signature of Owner/Applicant

380729500  
S.S.I or F.I.N. Number

4-12-10  
Date

Please remit to Acton Board of Health, 472 Main Street, Acton, MA 01720  
No Later Than April 30, 2010

5/1/2010

Expires 5/1/11  
Paid: \$185

**TOWN OF ACTON  
PERMIT  
HAZARDOUS MATERIALS CONTROL BYLAW**

Kmart, 252 Main Street, Acton, MA 01720

Is hereby granted a permit to store and use Hazardous Materials at **252 Main Street** Acton, MA 01720. This permit is granted with the conditions as noted on the attached list of conditions assigned to your facility.

Permit Categories: 11, 13

\*See below explanation of permit categories

**HAZARDOUS MATERIALS CONTROL PERMIT CATEGORIES AND FEES**

<u>Category</u>	<u>Initial</u>	<u>Renewal</u>
1. Large Hazardous Waste Generator	\$130	\$55
2. Small Hazardous Waste Generator	\$50	\$35
3. Hazardous Materials Generator	\$130	\$55
4. Hazardous Materials User	\$50	\$35
5. Remediation Discharge Permit	\$505	\$115
6. Remediation Permit	\$505	\$115
7. Hazardous Waste User	\$130	\$55
8. Hazardous Materials Storer Large Industry	\$430	\$195
9. Hazardous Materials Storer Small Industry	\$315	\$130
10. Hazardous Materials Storer Large Retail	\$375	\$140
11. Hazardous Materials Storer Small Retail	\$270	\$115
12. Hazardous Waste Storer Large Industry	\$130	\$55
13. Hazardous Waste Storer Small Industry	\$50	\$35
14. Hazardous Waste Storer Retail	\$50	\$35

**HAZARDOUS MATERIALS CONTROL PERMIT  
LIST OF CONDITIONS:  
KMART  
252 MAIN STREET  
ACTON, MA 01720**

Pursuant to the authority of Chapter I - Hazardous Materials Control Bylaw - of the Town of Acton's General Bylaws, the Board of Health has considered your application and plans submitted therewith, and has determined that the materials to be stored, used or generated, are within the scope of said bylaw. The Board of Health hereby orders that the following conditions are necessary and all storage, use or generation must be performed in strict conformance herewith:

1. All liquid Hazardous Materials and Wastes shall be stored in a containment area capable of containing 110% of the largest volume stored in the containment area.
2. All Materials Safety Data Sheets (MSDSs) for the Hazardous Materials shall be maintained on site. MSDSs shall be reviewed with employees at the time of their employment and on an annual basis thereafter. MSDS must be made available to all employees upon request.
3. A Contingency Plan, including emergency contact numbers (Telephone numbers of owner, operator, etc.) and a sketch showing clearly all Hazardous Material and Waste locations shall be submitted and updated annually, to the Board of Health, Fire Department, Police Department, and Civil Defense.
4. Emergency procedures and local Emergency Response Telephone Numbers (Health, Fire, Police, D.E.P., Civil Defense, etc.) should a spill occur, shall be posted in clear view of all employees where Hazardous Materials or Wastes are used or stored.
5. All Hazardous Wastes must be disposed of by a Licensed, D.E.P. approved, hauler or be recycled on site.
6. Copies of either all invoices or manifests for any Hazardous Materials or Wastes, received or disposed, shall be submitted to the Board of Health annually.
7. All Hazardous Materials Containers shall be labeled and dated when filling first began.
8. Speedy Dry, or its equivalent, shall be kept in the storage area, in case of a Hazardous Materials or Wastes spill.
9. Floor cleaning procedures and bathroom sanitation products shall use only nontoxic and biodegradable cleaning compounds.
10. All floor drains shall be sealed or discharged into a closed system, with the waste disposed of by a D.E.P. approved Hazardous Waste Hauler.
11. Protective equipment, including chemical resistant gloves, eye goggles and (rubber) boots, in addition to soap and water, shall be made available to all employees, at all times, in any Hazardous Materials or Waste storage or use area.
12. No Hazardous Materials or Wastes shall be discharged into a sink or toilet.
14. A fire extinguisher, containing an appropriate fire extinguishing agent, shall be placed in the Hazardous Materials Storage area.

15. No food or drink shall be stored or consumed in any area where Hazardous Materials are stored or used.
17. A leak detector monitor and an over flow alarm shall be installed in the underground storage tank and the tank shall be tested annually for tightness with the results submitted to the Board of Health.
21. Gas cylinders shall not be rolled, even for short distances. They shall be moved by a suitable hand truck, in accordance with an OSHA standard that applies.
25. Prior to any new chemical or processes being used, the Board of Health shall be notified.
26. The operation of this facility shall be in compliance with all present and future regulations of E.P.A. and D.E.P. at all times. Nothing in this permit allows or requires non-compliance with all present and future applicable laws or regulations of the Federal or State Governments.